



**UNITED STATES DEPARTMENT OF JUSTICE**  
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Reply to: Columbia, SC

December 21, 2023

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RE: *United States v. Dylann Roof*, Case No. 2:15-472-RMG, Agreement Regarding  
Timing of Initial 28 U.S.C. § 2255 Motion

Ms. Elleman,

This letter memorializes the United States of America's second agreement regarding the filing of a 28 U.S.C. § 2255 motion by Defendant Dylann Roof, challenging his convictions and death sentence imposed in the United States District Court for the District of South Carolina, Case No. 2:15-472-RMG. The Government agrees as follows:

- Under 28 U.S.C. § 2255(f)(1), the defendant was required to file his motion to vacate, set aside, or correct his sentence on or before October 10, 2023 – one year following the date on which his judgment of conviction became final.
- By agreement on June 20, 2023, the Government agreed to affirmatively waive any statute of limitations defense and consent to a filing of any § 2255 motion filed by April 11, 2024.
- Based on both (1) the exceptional complexity of this capital case and (2) defense counsels' good-faith representations regarding their ability to file their client's

motion by April 11, 2024, the Government agrees not to pursue, and to affirmatively waive, any statute of limitations defense under 28 U.S.C. § 2255(f)(1) for any § 2255 motion the defendant files on or before October 10, 2024.

- The Government agrees that the interests of justice require additional time for the defendant's counsel to prepare the § 2255 motion.
- The sole basis of this agreement is the Government's consent and waiver. The Government maintains its right to object to any request for an extension of 28 U.S.C. § 2255(f)'s deadlines without the Government's consent or waiver. The Government maintains that the district court has neither statutory authority nor jurisdiction to entertain requests for the extension of § 2255(f)'s deadlines. *See United States v. White*, 257 F. App'x 608, 609 (4th Cir. 2007) (unpublished); *see also United States v. Asakevich*, 810 F.3d 418, 420 (6th Cir. 2016); *United States v. Leon*, 203 F.3d 162, 164 (2d Cir. 2000); *United States v. Hernandez*, 431 F. App'x 813, 814 (11th Cir. 2011) (unpublished); *United States v. McFarland*, 125 F. App'x 573, 574 (5th Cir. 2005) (unpublished); *United States v. Moore*, 56 F. App'x 686, 687 (6th Cir. 2003) (unpublished).
- Absent further written agreement, the Government maintains its right to dispute the timeliness of any § 2255 motion or supplement filed after October 10, 2024, and to dispute entitlement to equitable tolling.

Sincerely,

JANE B. TAYLOR  
Attorney for the United States  
Acting under Authority Conferred by 28 U.S.C. § 515

/s Kathleen M. Stoughton  
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